

Before the
Federal Communications Commission
Washington, D.C. 20554

MAY 11 2007

MAY 22 2007

FCC WASHINGTON

In the Matter of)

Amendment of Section 73.202(b),)

Table of Allotments,)

FM Broadcast Stations.)

(Lake City, Chattanooga, Harrogate, and)

Halls Crossroads, Tennessee))

MB Docket No. 03-120

RM-10591

RM-10839

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: May 16, 2007

Released: May 18, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a Petition for Reconsideration of a *Report and Order*¹ in this proceeding filed by Reynolds Technical Associates, LLC ("RTA"); (2) a Request for Dismissal filed by RTA; and (3) a Declaration of No Consideration filed by RTA. For the reasons discussed below, we will grant the requested withdrawal and dismiss the Petition for Reconsideration.

2. At the request of Ronald C. Meredith ("Meredith"), a *Notice of Proposed Rule Making* proposed the allotment of Channel 244A at Lake City, Tennessee, as a first local aural service.² In response to the *NPRM*, JBD Incorporated ("JBD") filed a counterproposal, proposing a change in the allotment from Channel 243A to 244A at Harrogate, Tennessee, its reallocation from Harrogate to Halls Crossroads, Tennessee, and the modification of the Station WMYL(FM) (formerly WXJB(FM)) license, accordingly. JBD submitted this request pursuant to the provisions of Section 1.420(i) of the Commission's rules.³ The *R&O* compared these mutually exclusive proposals for first local services, granted JBD's counterproposal, and denied Meredith's rulemaking petition based on our policy of preferring a first local service to the community with the larger population.⁴

3. RTA filed a Petition for Reconsideration of the *R&O* and subsequently submitted a request for dismissal of its petition for reconsideration. RTA contends that approval of the withdrawal of the Petition for Reconsideration is consistent with Section 1.420(j) because neither RTA nor any of its

¹ *Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee*, Report and Order, 20 FCC Rcd 13942 (MB 2005) ("R&O").

² *Lake City and Chattanooga, Tennessee*, Notice of Proposed Rule Making, 18 FCC Rcd 10393 (MB 2002) ("NPRM").

³ This rule permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.

⁴ On March 1, 2006, an application was granted for the assignment of the license for Station WMYL(FM) from JBD to M & M Broadcasting. See File No. BALH-20051228ADR. M&M closed on the approved transaction on April 18, 2006.

principals have **been** paid or promised any consideration for the withdrawal of the petition?

4. **We** approve RTA's withdrawal of **its** Petition for Reconsideration and find no reason for further consideration of the matters raised therein. The withdrawal of the Petition for Reconsideration complies with Section 1.420(j) because RTA has documented that neither it nor its principals have or will receive any consideration in exchange for the withdrawal of its petition.

5. Accordingly, IT IS ORDERED, That the Petition for Reconsideration filed by Reynolds Technical Associates, LLC **IS DISMISSED**.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Andrew J. Rhodes, Audio Division, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ This section provides that a party withdrawing an expression of interest in **an** FM allotment rulemaking proceeding may not receive money or other consideration in excess of legitimate and prudent expenses in exchange for the dismissal or withdrawal of the expression of interest.